

APR 03 2017

JAMES N. HATTEN, Clerk
By: *J. Bynum* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FELICIA WOFFORD

)

FEDERAL COURT
CASE NO.:

Petitioner,

)

1:17-CV-1180

v.

)

STATE COURT
CASE NO.: 17D07821

DEKALB-LAKE RIDGE LLC

d/b/a

THE COLUMNS AT LAKE RIDGE

)

Respondent,

)

PETITION FOR REMOVAL AND FEDERAL STAY OF EVICTION
PURSUANT TO 28 USC 1441 (B)

DEFENDANT FELICIA WOFFORD hereby files this Petition for Removal in the United States District Court for the Northern District of Georgia Atlanta Division of the above stated case number, 17D07821, in the State Court of Dekalb County Georgia in accordance with the provisions of Title 28 U.S.C. 1441(b) Judiciary and Procedure. The proceedings occurring in violation of the Uniform Commercial Code of 15 U.S.C. 1692 with unlawful eviction proceedings. Pursuant to the provisions of Title 28 U.S.C. Section 1441(b) the State Court of Dekalb County shall not proceed with any eviction against the petitioner until it is remanded or so ordered from the United States District Court.

RESPONDENTS, Dekalb-Lake Ridge, LLC and its subsidiary,

The Columns At Lake Ridge (CLR), are registered and headquartered in the State of Georgia, and are attempting to collect a debt in violation of the Fair Debt Collection Practices Act (FDCPA) of 1978. Accordingly, this action is removable pursuant to 28 U.S.C. 1441(b). The United States Court for the Northern District of Georgia, Atlanta Division has jurisdiction over this action pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1337(a).

A copy of all process, pleadings and orders served upon defendant in the state court action are attached hereto as Exhibit "A".

WHEREFORE, DEFENDANT requests that this action be removed to the United States District Court for the Northern District of Georgia.

Respectfully submitted,


FELICIA WOFFORD
PRO SE

Receipt is hereby acknowledged of the forgoing written notice and of the filing of the petition for removal.

Cc

Clerk of the State Court of Dekalb County

**Felicia Wofford
3003 Lake Ridge Lane
Dunwoody, Georgia 30338**

MAGISTRATE COURT OF DEKALB COUNTY, STATE OF GEORGIA**DISPOSSESSORY WARRANT**

DEKALB-LAKE RIDGE LLC DBA
 THE COLUMNS AT LAKE RIDGE
 3900 LAKE RIDGE LANE
 DUNWOODY GA 30338 (770) 986-0788

VS

CASE # 17D07821

FELICIA WOFFORD, . . .

3003 LAKE RIDGE LANE
 DUNWOODY GA 30338

Attorney: ROBERT P. HEIN 343550
 RENTERS
 Evict #946573

Personally appeared the undersigned who upon oath says that he is ATTORNEY IN FACT for the owner of said premises, and that Defendant is in possession as tenant of premises at the above address in DeKalb County

FURTHER:

TENANT FAILS TO PAY RENT WHICH IS NOW PAST DUE

The said owner desires and has demanded possession of said house and premises, and the same has been refused by the said defendant and affiant makethis affidavit that a warrant may issue for the removal of said defendant together with his property from said house and premises

PLAINTIFF PRAYS:

- (a) judgment for the past due rent in the amount of \$995 for the month(s) of MARCH
- (b) rent accruing up to the date of judgment or vacancy at the rate of \$995 per month
- (c) Other: \$PLUS 99.5 LATE FEE & PLUS ALL COSTS -

**By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct.*

Affiant: /s/ASHLEY STAFFORD 3/13/2017

MAGISTRATE COURT OF
 DEKALB COUNTY, GA

2017 MAR 21 PM 1:45

FILED BY: *[Signature]*

SUMMONS

TO THE MARSHAL of the State Court of DeKalb County or his lawful deputies, GREETINGS:

The defendant herein is hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of DeKalb County, 2nd Floor, Suite 270, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough St., Decatur, Georgia within seven (7) days from the date of service of the within affidavit and summons(or on the first business day thereafter if the seventh day falls on Saturday, Sunday or legal holiday) then and there to answer said affidavit in writing or orally (orally means in front of a deputy clerk). If such answer is not made to said affidavit on or before 3/27/2017 , a writ of possession shall issue instantaneously by law provided, and a judgment by default will be taken against you for all rents demanded in the complaint.

WITNESS, the Honorable Judges of said Court

PRIVATE PROCESS SERVER AFFIDAVIT OF SERVICE

I have served the foregoing Affidavit and Summons on the Defendant(s) by delivering a copy of same;

() PERSONALLY () DEFENDANT NOT FOUND AT WITHIN ADDRESS ON SAID SUMMONS AND AFFIDAVIT

() NOTORIOUSLY to a person sui juris residing on the premises (NAME) Age Wt. Ht.

(X) TACK & MAIL By posting a copy to the door of the premises and depositing a copy in the U.S. Mail, First Class in an envelope properly addressed after attempting personal service. Said copy containing notice to the Defendant(s) to answer at the hour and place in said summons.

DATE OF SERVICE: 3/20/2017 DEFENDANT TO ANSWER ON OR BEFORE: 3/27/2017

**By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct.*

Professional Process Server: /s/LEONARD KIM 3/20/2017